

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **17-DR-10**

Rafael Ortega
333 East Main Street
Klamath Falls, OR 97601

Gabriel Hernandez
918 Owens Street
Klamath Falls, OR 97601

Date: August 23, 2010

In accordance with the provisions of Sections 11.050-11.094 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Design Review.

NATURE OF THE PROPOSAL

The landowner Rafael Ortega, and applicant Gabriel Hernandez, propose to use a vacant building for a sports equipment and merchandise store. The site already has a retail store, Carniceria Mi Pueblo, and a house with a carport. The proposed sports store would occupy a 648 square foot building that is located in the southwest corner of the lot. The subject property is approximately 17,250 square feet and the structures on the site total approximately 3,998 square feet. The building proposed to be used for the sports store has an address of 335 East Main Street, the existing house does not have an address, and the building with Carniceria Mi Pueblo has an address of 333 East Main Street. The property can be found on Assessor's Map R-3809-033AB, tax lots 13800, 13900, 14000 and 14100 (Industrial Addition, Block 18, Lots 12-17). The subject property fronts approximately 150.00 feet of East Main Street right-of-way.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** Neighborhood Commercial (NC) zoning allows for 75% lot coverage, 10' front yard setbacks, 5' rear yard setbacks, 0' side yard setbacks, and 15' setbacks from abutting residential zones. The subject property does not abut a residential zone because an alley separates the Apartment Residential (A) to the north across the alley. According to the applicant the current building setbacks from the closest structure are approximately 5' from the south (front yard), 0' from the north (rear yard), 0' from the east (interior side yard), and 75' from the west (interior side yard). The buildings have a footprint of 3,998 sq ft and cover 23% of the 17,250 sq ft subject property. **The building is conforming for lot coverage, but does not meet the setback requirements for front or rear yards. The applicant shall show building setback distances from all building sides to all subject property lines on a revised site plan.**
2. **Building Height:** The maximum allowed building height in Neighborhood Commercial zones is 45'. **The current peak building height for the two commercial structures is approximately 12'. The current peak building height for the residential structure is approximately 15'. The applicant shall show building heights on all buildings on a revised site plan.**
3. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 250 sq ft of retail space and 1 off street parking space for every 700 sq ft of storage space. The subject properties have 1,568 sq ft of retail space which requires 7 parking

spaces. The subject properties have 840 sq ft of storage space which requires 2 parking spaces. The existing single family home also requires 2 parking spaces. This subject site requires a total of 11 parking spaces. The applicant has enough room on the subject property to accommodate 9 parking spaces in the large parking area and 2 parking spaces adjacent to the single family home, one of which could be underneath the existing carport. While the 11 required parking spaces shall all be located on the subject property, the on-street parking on East Main Street can accommodate additional vehicular parking. Although non-vehicular patrons are not considered for parking ratios, businesses that are located on East Main Street have a higher number of patrons that shop by walking to their destination as Neighborhood Commercial is designated in areas that have surrounding residential properties. **The applicant shall provide 11 off street parking spaces and show the location of the spaces on a revised site plan.**

The parking area to the southwest of the retail building being occupied by Carniceria Mi Pueblo needs to be removed as the reverse movements when leaving the parking area creates potential traffic incidents. In addition, the access to the two parking spaces and the van accessible access aisle is an extension of the driveway that accesses the single family home and carport. This driveway access area is approximately 42 feet in width, which is considerably wider than the maximum 24 feet in width that Section 8.570 of the City Code allows. **This area will need raised curbing and the removal of some asphalt so that vehicles do not occupy this area for parking.**

CDO 10.010 Parking Space Standards requires that all standard parking spaces shall have a minimum width of 9' and minimum length of 19'. Small vehicle parking spaces shall have a minimum width of 8'6" and minimum length of 14'6".

CDO 14.040(1) requires that all areas used for parking and maneuvering of vehicles, including driveways and truck loading areas, to have either a concrete or asphalt surface. The site plan shows that an asphalt area is already installed; however, the asphalt area needs to have weeds and grasses removed from the cracks in the surface.

Access Aisles: CDO 14.040(4) requires that access aisles which provide two-way traffic shall be a minimum of 24 feet in width. The applicant is proposing an existing access aisle that is approximately 17-18 feet in width. While 17-18 feet access aisles are not typically sufficient, the applicant is not required to increase the width at this time because all of the parking is located on one side of the access aisle.

Parking for people with disabilities: CDO 14.010(2) requires 1 parking space for people with disabilities for every 25 parking spaces. Parking spaces for people with disabilities shall be at least 9' wide by 19' in length. Since the property shall accommodate 11 parking spaces, 1 parking space for people with disabilities is required. CDO 14.010(2)(b) requires that parking spaces for people with disabilities shall be located closest to the nearest accessible entrance. **The applicant shall provide 1 space for people with disabilities and show the new location on a revised site plan.**

CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. **The applicant shall have 1 van accessible access aisle for people with disabilities and per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space.**

Bicycle parking: CDO 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces and CDO 14.046(2) requires the bicycle parking facility to be located no further than 50 feet from a public entrance. CDO 14.047(4) requires that the bicycle rack be anchored to the ground. **The applicant shall provide 1 bicycle space and show the location of the bicycle parking on a revised site plan. The bicycle rack shall not interfere with ADA access.**

The vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. This area shall have asphalt or concrete.

4. **Access and Driveways:** There are two existing driveways at this site, both of which are not in compliance with City Code. The northwest driveway is 31 feet (+/-) wide measured at the curb and the southeast driveway is 42 feet (+/-) wide measured at the curb. **Both driveways shall be brought into compliance with the maximum width of 24 feet, new curb and gutter, and a concrete (Portland Cement Concrete) apron between the curb and sidewalk. The applicant shall show the reconstructed driveways, new curb and gutter, and concrete aprons on a revised site plan.** The updated site plan shall show the re-constructed driveways with the proper width and reference to City Engineering Standard Drawings 8-215 and 8-245 with a modified street cut and asphalt replacement of 24-inches wide. **Any proposed driveways shall conform to the City of Klamath Falls Code 8.570 for width and number of driveways, and to section 8-5.3.8 of the CKFPWES current edition for location and design criteria.**
5. **Sidewalks:** The City of Klamath Falls Public Works Engineering Standards (CKFPWES) requires that sidewalks or curb ramps are installed in any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps). **The applicant shall repair any concrete panels that are determined damaged.**
6. **Landscaping:** CDO 14.405(6) requires mulch consisting of wood chips, bark, or similar organic materials, to be installed and maintained no less than three inches in depth within the drip-line of required trees. CDO 14.405(3) requires that a minimum of one tree be planted for every 50 feet of frontage along each street. **The 150 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. There are currently 2 street trees within the 150 feet of property frontage. Trees shall be approved trees from the City Street Tree List and shall be planted within 10 feet of the curb per CDO 14.405(2).**

CDO 14.405 requires that for each 1,000 sq ft of landscaped open space or fraction thereof, a minimum of 1 tree and 2 shrubs shall be planted. The City does not support placing rock in the right-of-way. Also, rock placed around lawn areas can create problems with properly maintaining and grooming those lawns.

CDO 14.410 (4)(c) requires a minimum of 3% of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be landscaped which shall be evenly distributed throughout when the parking area contains five or more spaces. The submitted site plan does not detail any landscaping features, except the existing raised flower bed directly in front of Carniceria Mi Pueblo. **Upon removal of the parking spaces directly in front of Carniceria Mi Pueblo the applicant shall consider removal of some asphalt and the planting of landscaping. The applicant shall also plant some landscaping adjacent to the parking surface. The grass area to the northwest of the parking area shall be set aside for some landscaping. Any area that is not landscaped shall be devoid of weeds at or above 8 inches in height.**

CDO 14.410(1) requires all areas set aside for landscaping to have a minimum vegetative cover of at least 50%. The applicant shall ensure that this requirement is met.

The site plan does not show an irrigation method. There is no landscaping data provided on the site plan.

The applicant shall submit a detailed landscaping plan for review and approval, showing the following:

- **Name of plant material, the number of each species of plant that will be used or have been planted, and the location of the different plant material**
- **A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof**
- **All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch**
- **A minimum of 50% of the landscaping area shall be covered by vegetation**
- **All required trees shall be a minimum of 2” caliper in size**
- **An irrigation plan**
- **All shrubs shall be planted from a 5 gallon container**
- **Trees planted at a minimum of every 50 feet along East Main Street. The 150 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. The trees shall be approved trees from the City Street Tree List and shall be planted in accordance with future sidewalk installation.**

The applicant shall install and maintain the required landscaping as part of this Design Review. This requires that any existing lawn areas shall be brought into compliance or replaced. This also requires that all weeds and grasses that exceed 8 inches in height shall be removed.

7. **Trash Enclosures and Fences:** All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet by a sight-obscuring fence per CDO 14.150(1). If a solid waste receptacle is provided an equal area shall be provided for recycling adjacent to or within the trash enclosure. **The trash and recycle containers shall be placed in an approved area and indicated on a revised site plan.**

The subject property contains at least 4 separate fences. There is a chain link fence that borders the alley for approximately 75 feet and surrounds the main parking area to the west of Carniceria Mi Pueblo. There is a vertical slat wooden fence that borders the alley for approximately 50 feet. There is a second vertical slat wooden fence with a gate that is in-between the Carniceria Mi Pueblo building and the proposed sports store for approximately 20 feet. There is a second chain link fence that is approximately 24 feet in length that runs northeasterly from the rear of the Carniceria Mi Pueblo building to the vertical slat wooden fence along the alley. Approval of this Design Review does not constitute approval of future fence placement. **A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence, including the fence screening the trash and recycle area.**

8. **Signs:** During a recent site visit City staff noted 3 wall signs were located on the Carniceria Mi Pueblo building and 1 freestanding sign was located in front of Carniceria Mi Pueblo. The freestanding sign received Planning Division approval on April 15, 2002. The sign is 8 feet in height and 4 feet in width. The sign face is 16 square feet and is setback approximately 8 feet from the property line. According to City Planning Division records none of the other signs on the subject building were ever approved through a sign permit. **A sign permit (\$25) must be submitted, reviewed, and approved prior to the installation or change of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.** The submitted site plan does not indicate any new proposed signs. At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street right-of-way of East Main Street, nor within the required sign setbacks.
9. **Junk and Debris:** During a recent site visit City staff noticed junk and debris on the property. **Removal of the junk/debris, tires, wood crates and wood boards from the subject property is required or Code Enforcement action will be necessary.** Vehicles parked on unimproved surface are also not allowed. **Removal of vehicles from unimproved surfaces such as those**

parked to the northwest of the parking area is required or Code Enforcement action will be necessary. Company vehicles can not permanently occupy parking spaces that are designated for customers.

10. **Deed Restriction:** Since Carniceria Mi Pueblo, the single family dwelling, the proposed sports store, and the parking area for the 3 buildings is located on portions of lots 12, 13, 14, 15, 16, and 17 the applicant will need to record a deed restriction. **The applicant shall record a deed restriction that prohibits the individual sale of lots 12, 13, 14, 15, 16, and 17 of Block 18 of the Industrial Addition.**

Engineering:

1. The plans submitted for Administrative Review are not showing any additional fire or domestic water service, or any sanitary sewer expansion improvements (plumbing fixtures). Based on that information there are no additional water or sewer System Development Charges.
2. The submitted site plan is showing areas of grass and trees. I would like to make some clarifications to that plan. The grass areas are overtaken by weeds, which I believe are in excess of the allowable height per City Code. The four trees shown are actually two trees located at opposite ends of the project within the public right of way.
3. There are two existing driveways that are not in compliance with City Code. The northwest driveway is 31 feet (+/-) wide measured at the curb. The southeast driveway is 42 feet (+/-) wide measured at the curb. Both driveways shall be brought into compliance with the maximum width of 24 feet, new curb and gutter, and a concrete (Portland Cement Concrete) apron between the curb and sidewalk. The updated site plan shall show the re-constructed driveways with the proper width and reference to City Engineering Standard Drawings 8-215 and 8-245 with a modified street cut and asphalt replacement of 24-inches wide. There are no Engineering inspection fees for this work since they are existing driveways that are being modified in place to meet City Code and Engineering Standards.
4. A Site Construction Permit from City Engineering will be required prior to any work commencing.

Building Department:

“Klamath County Building Division will require a comprehensive submittal for review of the project for compliance with the Oregon Building Code. The following are general comments preceding building permit application:

1. Building permit submittals shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. Unless waived by the Building Official, all design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such. Note: The proposed “Sports Equipment and Merchandise Retail Store” appears to be a Change of Use of the existing space, and will require detail plans for the conversion to retail.
2. Building Permit application shall include site plan and development approvals from City Of Klamath Falls Planning and Engineering departments. Any variations to the site plan require re-approval by the City Of Klamath Falls prior to issuance of building permit(s).
3. No work shall commence prior to plan review and issuance of the appropriate building and trade permits. The new retail space shall not be occupied until the Building Division issues a new Certificate of Occupancy.

4. Phased construction and / or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.”

KCFD#1:

“I have reviewed the Administrative Review Sheet and visited the site of the proposed retail sports store. KCFD1 has no objection to the applicant’s request provided: The applicant obtains the required “Change of Use” and a new Certificate of Occupancy from the Klamath County Building Division.”

Basin Transit:

“No comments.”

USBR:

“In Response to the City of Klamath Falls Planning Department Administrative Review request for the subject applicant’s proposal to use a vacant building for a sports equipment and merchandise retail store, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent to or in the vicinity of the proposed construction site.”

SPOKES:

“Facility needs to (be) accessible to and usable by people with disabilities. Diagram shows no accessible parking spot. ORS 447.233 needs to be complied with.”

Avista: No comments were received.
PP & L: No comments were received.
Charter: No comments were received.
Qwest: No comments were received.
Proponents: No comments were received.
Opponents: No comments were received.

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented subject to the following conditions:

CONDITIONS

1) Prior to the issuance of the Development Permit:

- a) The applicant shall obtain a Site Construction Permit (SCP) from City Engineering.
- b) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - Building setback distances from all building sides to all subject property lines
 - Building heights for all three buildings on the subject property
 - 11 off street parking spaces
 - 1 newly located off street parking space for people with disabilities
 - 1 newly located van accessible access aisle for people with disabilities
 - 1 bicycle space that does not interfere with ADA access
 - Revised driveways, new curb and gutter, and a concrete apron between curb and sidewalk

- Trash/recycle container(s) in a screened area
- c) The applicant shall submit a detailed landscaping plan, to City Planning for review and approval, showing the following details:
- Name of plant material, the number of each species of plant that will be used or have been planted, and the location of the different plant material
 - A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof
 - All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch
 - A minimum of 50% of the landscaping area shall be covered by vegetation
 - All required trees shall be a minimum of 2" caliper in size
 - An irrigation plan
 - All shrubs shall be planted from a 5 gallon container
 - Trees planted at a minimum of every 50 feet along East Main Street. The 150 feet of property along East Main Street right-of-way requires the planting of at least 3 street trees. The trees shall be approved trees from the City Street Tree List and shall be planted in accordance with future sidewalk installation.

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall remove all weeds and grasses that exceed 8 inches in height prior to September 10th, 2010.
- c) The applicant shall remove all junk/debris, tires, wood crates, and wood boards from the subject property prior to October 1st, 2010.
- d) The applicant shall permanently remove all vehicles from unimproved surfaces prior to October 1st, 2010.
- e) The applicant shall record a deed restriction that prohibits the individual sale of lots 12, 13, 14, 15, 16, and 17 of Block 18 of the Industrial Addition prior to December 1st, 2010.
- f) The applicant shall obtain a building permit and a new certificate of occupancy prior to the new use moving in to the new building.
- g) The applicant shall submit building permits, including a comprehensive code evaluation, drawings, calculations, and specifications for the project. All design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
 - No work shall commence prior to plan review and issuance of the appropriate building and trade permits. The new retail space shall not be occupied until the Building Division issues a new Certificate of Occupancy.
- h) The applicant shall provide 11 off street parking spaces, 1 parking space for people with disabilities, 1 van accessible access aisle for people with disabilities, the installation of signs identifying parking spaces for people with disabilities, and the placement of approved bicycle parking. All required parking lot improvements shall be completed prior to December 1st, 2010 or issuance of Certificate of Occupancy.

- i) The applicant shall bring both driveways into compliance with a maximum width of 24 feet, new curb and gutter, and a concrete (Portland Cement Concrete) apron between the curb and sidewalk. All required driveway and street right-of-way improvements shall be completed prior to December 1st, 2010.
- j) The applicant shall install all required landscaping prior to April 1st, 2011. The street trees shall be approved trees from the City Street Tree List and shall be planted within 10 feet of the curb per CDO 14.405(2).
- k) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence or any stand alone trash enclosure.
- l) The applicant shall remove all non permitted signs and submit for review and approval, a sign permit prior to the installation of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368 prior to December 1st, 2010.

This **Design Review** has met the condition and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this **Design Review** does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THAT THIS DECISION IS FINAL AS OF THE DATE OF MAILING THIS DECISION (AUGUST 23, 2010), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 23RD OF AUGUST 2010.

Kelly O'Neill
Planner

cc: Tom Del Santo, Development Coordinator
Rick Bowman, Code Enforcement Officer